

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
(Greenbelt Division)

In re:	:	
WILLIAM C. BEVAN, JR.,	:	Case No. 22-1-2609-LSS
Debtor.	:	Chapter 13
	:	

TRUSTEE’S MOTION TO CONVERT CASE TO CHAPTER 7

Timothy P. Branigan, Chapter 13 trustee in the above-captioned case (“Trustee”), pursuant to section 1307(c) of the Bankruptcy Code and Bankruptcy Rule 1017(f), requests the Court to convert the case inasmuch as the Debtor is in material default under the terms of the plan confirmed on October 26, 2022. The Debtor has failed as required to close on the fee simple purchase of the real property located at 3415 Wenona South, Laurel, Maryland 20724 the “Laurel Property”). The confirmed Chapter 13 plan requires the Debtor to close on a fee simple purchase within 90 days following the confirmation date so that Debtor’s sibling-creditors could be paid for their ownership interests in the real property. Recently, (DE #109) counsel has indicated that the Laurel Property is to be sold to a third-party purchaser with funds to be paid into the Chapter 13 plan. At this time, the case has changed from one of rehabilitation to one of liquidation. It is in the best interest of creditors that liquidation proceed as expeditiously as possible under Chapter 7.

Debtor has not yet listed the Laurel Property for sale, and the realty located at 11229 Empire Lane, Rockville, MD 20852 (the “Rockville Property”) will not be listed any time soon given the ongoing cleanup and renovation process only just commenced almost nine months into the case. Given the latest disclosure that Debtor also intends to sell the Laurel Property, it is in the best interests of creditors to convert this case to one under Chapter 7 for a speedy liquidation. A

Chapter 7 Trustee can move more quickly to liquidate the property of the estate and will minimize administrative costs to the estate.

The Debtor has filed five bankruptcy cases over the previous nine years, and has proposed a sale or refinance of the Rockville Property in each case. Recently he also became a 25% owner of the Laurel Property with his siblings through inheritance. A refinance is not feasible, and likely impossible, given the Debtor's medical incapacitation and lack of prospective income. Nine months into the present case, the Rockville Property is not habitable, but could be listed for sale to a party that may wish to undertake the cost of restoration. A Chapter 7 Trustee can proceed quickly to list the Laurel Property for sale, and determine the propriety of additional rehabilitation of the Rockville Property to effectuate timely payment to all parties. The Debtor has had ample time over nine years to complete this process, and creditors have merely been unreasonably been delayed.

Under the circumstances, conversion of the case to one under Chapter 7 is in the best interests of the creditors.

WHEREFORE, the Trustee prays that the Court convert the case to one under Chapter 7.

Respectfully submitted,

February 3, 2023

/s/ Timothy P. Branigan
Timothy P. Branigan (Fed. Bar No. 06295)
Chapter 13 Trustee
9891 Broken Land Parkway, #301
Columbia, Maryland 21046
(410) 290-9120

**NOTICE OF OPPORTUNITY TO REQUEST A HEARING
TO THE DEBTOR(S) AND DEBTOR(S)'S ATTORNEY OF RECORD**

PLEASE TAKE NOTICE that the Chapter 13 case will be closed unless, not later than March 1, 2023, there is filed with the Clerk, U.S. Bankruptcy Court, 6500 Cherrywood Lane, Greenbelt, Maryland 20770, and a copy served on the Trustee, a pleading responding to the Trustee's Motion to Convert Chapter 13 Case that controverts the motion or explains why the case should not be converted, together with a request for a hearing on the motion.

PLEASE TAKE FURTHER NOTICE that the case may be voluntarily converted to a case under Chapter 7 upon the Debtor(s)'s motion. A motion to convert the case to a case under Chapter 7 must be filed not later than March 1, 2023 with the Clerk, U.S. Bankruptcy Court, 6500 Cherrywood Lane, Greenbelt, Maryland 20770, together with a necessary \$25.00 filing fee.

Certificate of Service

I hereby certify that the following persons are to be served electronically via the CM/ECF system:

John D. Burns, Esq.

I caused a copy of the foregoing to be sent on February 3, 2023 by first-class U.S. mail, postage prepaid to:

William C Bevan, Jr.
11901 Georgia Ave
Wheaton, MD 20902

/s/ Timothy P. Branigan
Timothy P. Branigan (Fed. Bar No. 06295)